

### **REMARKS**

This Amendment and Response is in reply to the Office Action dated April 10, 2003. Therefore, the time period for reply extends up to and includes July 10, 2003. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Applicants have amended claims 1, 3, 4, 13, 19 and 20, and canceled claim 8 without prejudice or disclaimer. Amendments to the claims are fully supported by the specification, Figures 6-10, and claims as originally filed. Accordingly, no new matter has been entered hereby.

### **Interview Summary**

Examiner Beacham and Applicant's representative Joshua Randall (Reg. No. 50,719) conducted a telephone interview on November 20, 2003 in which proposed amendments to the claims were discussed in view of U.S. 6,212,044 (Murakami et al.). The Examiner agreed that limitations related to forming the rails from material of the bend section and limitations directed to the rails having a width, length and thickness would probably overcome Murakami. No agreement was reached as to the allowability of the proposed claim amendments.

The Examiner later contacted Mr. Randall to bring to his attention U.S. 6,307,715, a reference found during an updated search that may be relevant to the current application. The Examiner encouraged Applicant's response to U.S. 6,307,715 when responding to the current Office Action.

### **§ 102 Rejection**

Claims 1-4, 6, 7, 10, 12-14, 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by Murakami et al. (U.S. 6,212,044). Applicant respectfully traverses this rejection. Applicant submits that claim 7 should be allowable because it includes the same limitations found allowable in claim 21.

Murakami discloses a base 3, a load beam 6, and a bend section connecting the base 3 and load beam 6. The base 3 and load beam 6 each have a thickness that is shown on a flat side wall of each of those members that are facing each other (see Figure 6 of Murakami). The bend section has a thickness much smaller than the thickness of the base 3 and load beam 6, and the bend section is secured to the side wall of each of the base 3 and load beam 6 so that a "U" shaped structure results as noted in the marked up version of Figure 6 provided with the

rejection. However, the side walls of the base 3 and load beam 6 adjacent to the bend section are not "first and second rails being bent out of the first plane," and are not "first and second rails formed from material of the bend section" as required by claims 1 and 13. Furthermore, the side walls of the base 3 and load beam 6 adjacent to the bend section are not a rail or rails having a width, length and thickness as required by claims 19 and 20. Therefore, Murakami fails to disclose at least one limitation of claims 1, 13, 19 and 20, and the claims that depend from them. Withdrawal of the rejection is respectfully requested.

### New Art

Applicant addresses U.S. 6,307,715 (Berding et al.) to the extent it may apply to the pending claims.

Berding discloses a hinge region 80 having a torsional stiffening brace 92 as shown in Figure 4. The flaps 88, 90 appear to be formed from material of the bend section. However, the hinge region 80 also includes uncut regions 82, 84 that extend along opposing sides of the bent up flaps 88, 90. Thus, when the hinge region 80 is coupled to a load at either longitudinal side of the hinge region 80 (e.g., when one side of hinge region 80 is coupled to a base plate and the other side coupled to the load beam of a suspension assembly as shown in Figure 1 of Berding), the load forces applied at one side of the hinge region circumvent the stiff brace 92 by traveling along the uncut regions 82, 84. Further, neither of the flaps 88, 90 extend to the side edges or across substantially all of the hinge region width.

Berding therefore fails to disclose an "open channel being positioned in the load path such that the forces transmitted between the base and the load beam pass through the open channel," as required by claim 1. Berding also fails to disclose "a portion of the first and second rails extending across substantially all of the bend section width," as required by claim 13. Further, Berding fails to disclose that "the base or the load beam is coupled to the bend section along the width of the rail," as required by claim 19 or that the "the base or the load beam is coupled to the stiffening means along the width of the first or second rail," as required by claim 20 because a load beam or base plate coupled to the hinge region 80 of Berding would also be coupled to the uncut regions 82, 84 outside the width of the flaps 88, 90. Therefore, Berding fails to disclose every limitation of claims 1, 13, 19 and 20, and the claims that depend from them.

**Allowable Subject Matter**

Applicant thanks the Examiner for the indication of allowable subject matter in claims 5, 8, 9, 11, 15, 16 and 18, and the allowance of claim 21. As noted above, Applicant submits that claim 7 should be allowable for at least the reasons claim 21 is allowable. Applicant further submits that claim 21 may be allowable for additional reasons not stated by the Examiner.

**Conclusion**

In view of the above amendments and comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If the Examiner has any questions in regard to the foregoing, he is respectfully requested to contact Applicant's attorney below at (612) 336-4755.



Respectfully submitted,

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Dated: December 24, 2003

A handwritten signature in black ink, appearing to read "B. H. Batzli", written over a horizontal line.

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